

STATE OF COLORADO

Bill Ritter, Jr., Governor
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Dedicated to protecting and improving the health and environment of the people of Colorado

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Colorado Department
of Public Health
and Environment

August 1, 2008

PWSID# CO0218012
Dwight Ian Steyn
d/b/a: KOA Castle Rock
1750 Sky View Lane
Larkspur, CO 80118

Certified Mail Number: 7005 1820 0000 3208 1890

RE: Service of Drinking Water Enforcement Order, Number: DT-080801-1

Dear Mr. Dwight Ian Steyn, d/b/a: KOA Castle Rock:

You are hereby issued the enclosed Enforcement Order (the "Order"). This Order is issued by the Colorado Department of Public Health and Environment, Water Quality Control Division (the "Department") pursuant to the authority given to the Department by §25-1.5-203 of the Colorado Revised Statutes ("C.R.S."). The Department bases this Order upon findings that you have violated the *Colorado Primary Drinking Water Regulations* (the "Regulations") as described in the enclosed Order.

As a recipient of an enforcement order you may request a formal hearing to contest the Order in accordance with the Regulations, 5 CCR 1003-1, §1.6.7(g). Requests for such a hearing must be filed in writing with the Department within thirty (30) calendar days after service of the Order. Hearings on enforcement orders shall be held in accordance with applicable provisions of the State Administrative Procedure Act, §§24-4-101 through 24-4-108, C.R.S.

This action could result in the imposition of administrative or civil penalties. The Department or a State District Court is authorized pursuant to §25-1-114.1, C.R.S. to impose a penalty of up to \$1,000 per violation per day. Please be advised that the Department is continuing its investigation into this matter and the Department may identify supplementary violations that warrant amendments to this Order or the issuance of additional enforcement actions.

Should you desire to informally discuss this matter with the Department or if you have any questions regarding the Order, please don't hesitate to contact Cathy Heald at (303) 692-3254 or by electronic mail at catherine.heald@state.co.us.

Sincerely,

A handwritten signature in black ink that reads "Kristi-Raye Beaudin". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Kristi-Raye Beaudin, Legal Assistant
Compliance Assurance and Data Management Section
WATER QUALITY CONTROL DIVISION

Enclosure

cc: Tri-County Health Department
Compliance Monitor / Drinking Water File

ec: Bret Icenogle, Engineering Section, CDPHE
Dick Parachini, Outreach and Assistance Unit, CDPHE
Betsy Beaver, Facility Operators Program, CDPHE
Scott Monroe, ORC
Melanie Wasco, EPA Region VIII
Paul Klug, Consumer Protection Division, CDPHE
Patricia Klocker, Assistant Division Director, Consumer Protection Division, CDPHE



COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL DIVISION

ENFORCEMENT ORDER

NUMBER: DT-080801-1

IN THE MATTER OF: DWIGHT IAN STEYN

d/b/a: KOA CASTLE ROCK

PUBLIC WATER SYSTEM IDENTIFICATION NUMBER: CO0218012

DOUGLAS COUNTY, COLORADO

Pursuant to the authority vested in the Colorado Department of Public Health and Environment (the "Department") by §25-1-109 and §25-1.5-203 of the Colorado Revised Statutes ("C.R.S."), which authority has been delegated to the Department's Water Quality Control Division (the "Division"), the Division hereby makes the following findings and issues the following Enforcement Order:

GENERAL FINDINGS

1. Dwight Ian Steyn ("Mr. Steyn") owns and/or operates a drinking water system, known as KOA Castle Rock, located at or near 6527 S. Interstate 25, in Douglas County, Colorado (the "System").
2. Mr. Steyn is a person as defined by 5 CCR 1003-1, §1.5.2(92).
3. Mr. Steyn is a supplier of water within the meaning of §25-1.5-201(2), C.R.S. and its implementing regulation, 5 CCR 1003-1, §1.5.2(122).
4. The System is a public water system as defined by §25-1.5-201(1), C.R.S. and its implementing regulation, 5 CCR 1003-1, §1.5.2(101).
5. The Public Water System Identification Number ("PWSID"), assigned to the System by the Division is PWSID #: CO0218012.
6. Pursuant to 5 CCR 1003-1, §1.2, the System is subject to the *Colorado Primary Drinking Water Regulations* (the "Regulations"), which were adopted pursuant to §25-1.5-203, C.R.S.
7. Mr. Steyn provides piped water for human consumption from the System to at least twenty-five (25) people, but the System does not serve twenty-five (25) or more of the same people, for sixty (60) or more days per year. The System is therefore classified as a "transient, non-community water system" as defined by 5 CCR 1003-1, §1.5.2(131).
8. The System's source of water is groundwater as defined by 5 CCR 1003-1, §1.5.2(60).

First Violation
(Failure to Provide Disinfection Treatment)

9. Pursuant to 5 CCR 1003-1, §7.9.1(b), the System is required to provide Department-approved disinfection that is effective in the killing or removal of pathogenic organisms. Disinfection may include physical as well as chemical treatment. When chlorination methods are employed, a sufficient amount of chlorine shall be added to the water to destroy any pathogenic organisms potentially present and to maintain a detectable residual in at least 95% of the samples taken at the extremities of the distribution system from which water may be withdrawn.
10. Pursuant to 5 CCR 1003-1, §7.9.1(d), The Department may waive the requirement for disinfection upon written application by a supplier. Waivers may be granted when competent evidence is submitted by the supplier to establish that the water being supplied to the public is from a protected groundwater source, determined safe and free from contamination.
11. Division records establish that the System received a disinfection waiver from the Department on May 18, 1992.
12. A review of microbiological sampling results from the System establishes that the System has experienced multiple positive bacteriological sampling results since 2006. Additionally, multiple minor and significant deficiencies have been documented during compliance inspections (April 20, 2006 and August 9, 2007) performed during the same period.
13. In a Compliance Advisory dated January 15, 2008, pursuant to the Department's authority outlined in 5 CCR 1003-1, §7.9.1(g), the Department formally revoked the System's disinfection waiver based on the history of positive microbiological sampling results and repetitive significant deficiencies documented during recent compliance inspections.
14. The January 15, 2008 Compliance Advisory required the System to install Department-approved disinfection treatment by no later than April 15, 2008.
15. Division records establish that Mr. Steyn did not exercise his appeal rights, relating to the disinfection waiver revocation, afforded him pursuant to 5 CCR 1003-1, §7.9.1(g).
16. In a letter dated April 21, 2008, the Division advised Mr. Steyn that his request to reduce the original Compliance Advisory requirements could not be approved. In the letter, the Division further advised that the Division expects that the Castle Rock KOA would conform to requirements outlined in the Division's January 15, 2008 and February 22, 2008 letters by May 9, 2008.
17. Division records to-date establish that the System has not installed approved disinfection treatment for the System's distributed water.
18. Mr. Steyn's failure to provide approved disinfection treatment and to maintain a detectable disinfectant residual in the System's distributed water constitutes violation(s) of 5 CCR 1003-1, §7.9.1(b).

COMPLIANCE ORDER

Based upon the foregoing factual and legal determinations and pursuant to 5 CCR 1003-1, §1.6.7, Mr. Steyn is hereby ordered to:

19. Immediately comply with the *Colorado Primary Drinking Water Regulations*, 5 CCR 1003-1, Articles 1 through 12.

Further, the Division hereby orders Mr. Steyn to comply with the following specific terms and conditions of this Order.

20. In order to ensure long-term compliance with the disinfection treatment requirements of 5 CCR 1003-1, §7.9 for public water supplies, Mr. Steyn shall evaluate and upgrade, as needed, the System's water sources and/or treatment processes in accordance with the following schedule:
 - a. By September 1, 2008, retain a qualified individual (such as a Professional Engineer experienced in drinking water systems) to evaluate and recommend disinfection treatment technologies or alternate water sources to ensure compliance/conformance with the disinfection treatment requirements of 5 CCR 1003-1, §7.9 and the *Colorado Design Criteria for Potable Water Systems*.
 - b. By October 1, 2008, submit Final Design Plans and Specifications for the System improvements (Disinfection Treatment) for Department review and approval.
 - i. The submittal package must include design calculations showing the proposed treatment system is properly sized and chlorine contact times can be met for expected flow rates.
 - ii. The submittal package must also include specifications for treatment equipment and/or chemical additives that come in contact with the water that indicate ANSI standards 60 and 61 are met (NSF certification).

{Please note that, prior to construction, the Department must give final approval to any modifications to the System's water source or treatment process.}

 - c. By January 1, 2009, complete construction/implementation of the Department approved system improvements to ensure long-term compliance with the disinfection treatment requirements of 5 CCR 1003-1, §7.9.
21. In the interim, until the Department approved disinfection treatment is installed and operational, Mr. Steyn shall immediately begin conducting bacteriological sampling once per week in accordance with the System's written microbiological sample-siting plan. The bacteriological samples must be collected properly and analyzed by a Department-certified laboratory in accordance with approved methods. Mr. Steyn shall provide the Department with the result of each bacteriological analysis (total coliform) within ten (10) calendar days of receipt of the result from the laboratory.

22. Within thirty (30) calendar days after receipt of this Order, Mr. Steyn shall provide a written description of how the System's Cross-Connection Control Program is being implemented. The written description should specifically include information on the effort and status of installing anti-siphon devices on all RV hook-ups.

Guidance on cross-connection control programs for small systems can be viewed at the following Internet location:

http://www.cdphe.state.co.us/wq/drinkingwater/pdf/cross_connection_control.pdf

23. Within forty five (45) calendar days after receipt of this Order, Mr. Steyn shall develop and/or provide the Division with a copy of its written monitoring plan, including a microbiological contaminant sampling-siting plan.

Guidance for a monitoring plan can be viewed at the following Internet location:

<http://www.cdphe.state.co.us/wq/drinkingwater/pdf/TNCMONITORINGPLANSUMMARYSHEET.pdf>

24. Within fourteen (14) calendar days after receipt of this Order, Mr. Steyn shall evaluate, with the assistance of a qualified individual (such as a Professional Engineer experienced in drinking water systems) and improve (if necessary) the sanitary seals on each existing source water well. Within thirty (30) calendar days after receipt of this Order, Mr. Steyn shall submit a report to the Division outlining the findings of the well seal evaluation and any proposed actions and time schedules developed to address identified deficiencies. The actions and time schedule submitted shall become a condition of this Order, and Mr. Steyn shall comply with the actions and time schedule as submitted unless notified by the Department, in writing, that alternate actions and/or time schedules are appropriate. If the Department imposes alternate actions and/or time schedules, they shall also become a condition of this Order.
25. Within Sixty (60) calendar days after receipt of this Order, Mr. Steyn shall undertake, with the assistance of a qualified individual (such as a Professional Engineer experienced in drinking water systems), and complete an evaluation of the construction and operation of the System's storage/distribution system in order to prevent negative pressure conditions and ensure that distribution system pressures remain greater than 20 PSI at all times. Within ninety (90) calendar days after receipt of this Order, Mr. Steyn shall submit a report to the Division outlining the findings of the storage/distribution system evaluation (including any pressure monitoring results) and any proposed actions and time schedules developed to address identified deficiencies. The actions and time schedule submitted shall become a condition of this Order, and Mr. Steyn shall comply with the actions and time schedule as submitted unless notified by the Department, in writing, that alternate actions and/or time schedules are appropriate. If the Department imposes alternate actions and/or time schedules, they shall also become a condition of this Order.

26. Within twenty-four (24) hours after receipt of this order, Mr. Steyn shall develop, in accordance with 5 CCR 1003-1, §9.2, a public notice outlining the System's deficient disinfection treatment. Mr. Steyn shall ensure that a copy of the public notice is provided to each customer served by the System. In addition, Mr. Steyn shall maintain a continuous posting of the public notice in appropriate common areas of the facility until the Department approved disinfection treatment is installed and operational. On the first day of each calendar month, Mr. Steyn shall submit to the Department, a representative copy of the notice distributed along with a written certification stating that the public notice was distributed and that the posting was maintained as required by this paragraph and 5 CCR 1003-1, §9.2. *(See attached public notification procedures.)*

Additional guidance for proper public notification can be viewed at the following Internet location:

http://www.cdphe.state.co.us/wq/drinkingwater/pdf/PublicNotice/PN_Guidance_Mar2003.pdf

NOTICES AND SUBMITTALS

For all documents, plans, records, reports and replies required to be submitted by this order, Mr. Steyn shall submit an original and one copy (electronic is preferred) to the Division at the following address:

Colorado Department of Public Health and Environment
Water Quality Control Division / WQCD-WQP-B2
Compliance Assurance and Data Management Section / Enforcement Team
Attention: Catherine Heald
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530
Email: catherine.heald@state.co.us

Pursuant to 5 CCR 1003-1, §1.6.4(e), all reports, notices, summaries, and certifications required to be submitted to the Department by the public water system must bear the original signature of the owner or the owner's authorized representative.

NOTICE OF COMPLETION

Mr. Steyn shall submit a Notice of Completion to the Division upon satisfactory completion of all requirements of this Enforcement Order. The Division shall either accept or reject the Notice of Completion in writing. If the Division rejects the Notice of Completion, it shall include in its notice a statement identifying the requirements that the Division considers incomplete or not satisfactorily performed and a schedule for completion. If Mr. Steyn wishes to dispute the Division's rejection of its Notice of Completion, it shall, within fifteen (15) calendar days of receipt of the Division's rejection, submit a written statement as to its belief of full compliance, addressing in detail all concerns the Division raised in the rejection letter to the System's Notice of Completion.

PRIOR APPROVAL REQUIRED

Pursuant to 5 CCR 1003-1, §1.11.2, no person shall commence construction of any new waterworks, or make improvements to or modify the treatment process of an existing waterworks, or initiate use of a new source, until plans and specifications for such construction, improvements, modifications or use have been submitted to, and approved by the Department. The Department shall grant such approval when it finds that the proposed facilities are capable of complying, on a continuous basis, with all applicable laws, standards, rules and regulations.

POTENTIAL ADMINISTRATIVE/CIVIL AND CRIMINAL PENALTIES

You are also advised, pursuant to §25-1-114.1, C.R.S., that violators of the Regulations or final Enforcement Orders issued by the Department are subject to civil or administrative penalties of up to one thousand dollars (\$1,000) per violation per day, to be imposed by the Department or a State District Court. Further, pursuant to §25-1-114(4), C.R.S., any person, association, or corporation, or the officers thereof, who violates, disobeys, or disregards any provision of the Regulations or an Enforcement Order is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars (\$1,000), or by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment and, in addition to such fine and imprisonment, shall be liable for any expense incurred by health authorities in removing any nuisance, source of filth, or cause of sickness. By virtue of issuing this Enforcement Order, the Department has not waived its right to bring an action for administrative, civil or criminal penalties and may bring such action in the future.

REQUEST FOR HEARING OR APPEAL

You are further advised, pursuant to 5 CCR 1003-1, §1.6.7(g), that a recipient of an Enforcement Order may request a hearing contesting such order. Requests for such a hearing shall be filed in writing with the Department within thirty (30) calendar days after service of the order. Such requests shall state the grounds upon which the order is contested and state the amount of time the recipient estimates will be required for the hearing. Hearings on Enforcement Orders shall be held in accordance with applicable provisions of the State Administrative Procedure Act, Article 4 of Title 24, C.R.S.

Alternatively (or additionally), under section 25-1-113(1), C.R.S., you may file a request for judicial review in the State District Court in the county in which you reside or in the city and county of Denver within ninety (90) calendar days of your receipt of this Enforcement Order.

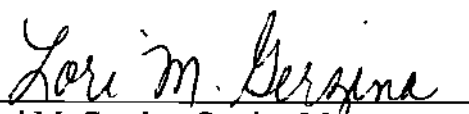
ADDITIONAL ACTION

You are further advised that under §25-1-114.1(1), C.R.S., the Department may institute a civil action against any person who violates a final Enforcement Order of the Department issued for violation of any minimum general sanitary standard or regulation adopted pursuant to §25-1.5-203, C.R.S.

Additionally, the Department may request the Attorney General to seek a temporary restraining order or permanent injunction to prevent or abate any violation of a minimum general sanitary standard or regulation adopted pursuant to §25-1.5-203, C.R.S. Further information concerning the aforementioned action is contained in §25-1-114.1(3), C.R.S.

Issued at Denver, Colorado, this 1st day of August, 2008.

FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT


Lori M. Gerzina, Section Manager
Compliance Assurance and Data Management Section
Water Quality Control Division